



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAY 19 2003

US EPA RECORDS CENTER REGION 5



497876

Charles E. Sandberg, Acting Regional Director  
Office of Surface Mining  
Reclamation and Enforcement  
Mid-Continent Regional Coordinating Center  
Alton Federal Building  
501 Belle Street  
Alton, Illinois 62002

REPLY TO THE ATTENTION OF:  
S-6J

Re: Peabody Coal Company Processing Site, Lynnville, Warrick County, Indiana

Dear Mr. Sandberg:

Thank you for your letter of April 14, 2003, in which you provided information about the progress of the reclamation activities under the Abandoned Mine Lands (AML) reclamation program at the Peabody Coal Processing Site near Lynnville, Indiana (Site). Your letter also requested clarification regarding our decision to defer further remedial activities at the Site under the Comprehensive Emergency Response, Compensation, and Liability Act (CERCLA) while the Indiana AML activities continue.

The U.S. Environmental Protection Agency (EPA) often defers response actions under CERCLA at contaminated sites where other authorities, such as OSM's AML reclamation program, are capable of accomplishing the needed response action. My recent letter stating that Region 5 would defer further remedial activities under CERCLA at the Peabody Coal Site was based on our judgment that the reclamation activity recently completed at the Site under the AML reclamation program, together with the on-going maintenance program, address the risks posed by Site contaminants. We therefore do not currently contemplate initiating response actions at the Site under CERCLA. As long as risks from Site contaminants are being addressed by completed or on-going AML-funded reclamation activities (including the post-reclamation maintenance program), we would not expect to initiate additional response actions under CERCLA.

If you would like to discuss this matter further, please feel free to call me at (312) 886-7578.

Sincerely yours,

William E. Muno, Director  
Superfund Division

cc: Bruce Stevens, Indiana Department of Natural Resources

bcc: Bharat Mathur, R-19J  
Mary Canavan, R-19J  
Phil Hoffman, R-19J  
Leverett Nelson, C-14J  
Terry Branigan, C-14J  
Joe Dufficy, SE-4J  
Jan Pels, SE-4J  
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Matt Mankowski, SR-6J  
Matthew Ohl, SR-6J ✓